

WEDNESDAY, FEBRUARY 7, 1996

FIFTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by James T. Holman.

Representative Curtiss led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wittingham, Wood, Mr. Speaker Naifeh – 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Haley; personal reasons.

Representative Hicks; business reasons.

PRESENT IN CHAMBER

Representative(s) Windle was/were recorded as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2056: Rep(s). Ford as prime sponsor(s).

House Bill No. 2307: Rep(s). Venable as prime sponsor(s).

MESSAGE FROM THE SENATE February 6, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1949 and 1980; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE February 6, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 397, 401 and 402; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 426** -- General Assembly, Directed Studies - Directs department of transportation to study feasibility of widening Weaver Road (S.R. 358) in Bristol. by *Ramsey, *Venable, *Westmoreland.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 8, 1996:

House Resolution No. 165 -- Memorials, Personal Occasion - Mr. and Mrs. Frederick Sharp, 50th wedding anniversary. by *Williams (Union).

House Resolution No. 166 -- Memorials, Personal Occasion - Reverend Jerry and Edna Peck, 25th wedding anniversary. by *Williams (Union).

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House Resolution No. 167 -- Memorials, Personal Occasion - John and Della Robinson, 50th anniversary. by *Williams (Union).

House Resolution No. 168 -- Memorials, Personal Occasion - Mr. and Mrs. Nolan Evans, 50th wedding anniversary. by *Williams (Union).

House Resolution No. 169 -- Memorials, Public Service - John C. Jones. by *Pinion.

House Joint Resolution No. 424 -- Memorials, Sports - 1995 Hollow Rock-Bruceton Central High School football team, TSSAA Class A runner-up. by *Herron, *Phelan.

House Joint Resolution No. 425 -- Memorials, Public Service - James "Jimmy" Hitch, Tennessee Farm Bureau "Distinguished Service Award.". by *Clabough, *Kerr.

House Joint Resolution No. 427 -- Memorials, Retirement - Sandy Vogel Lewis, St. Jude Children's Research Hospital. by *Naifeh.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3239 -- Springfield - Revises nepotism policy in charter. Amends Chapter 1 of the Private Acts of 1989. by *Davidson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1970** -- Election Laws - Requires county to pay costs of second municipal election resulting from county election commission error unless error was made by relying on information provided by the municipality. Amends TCA Section 2-12-109. by *Henry.

***Senate Bill No. 1985** -- Sunset Laws - Information systems council, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Haynes.

***Senate Bill No. 2005** -- Sunset Laws - Human rights commission, June 30, 2000. Amends TCA Title 4, Chapters 21 and 29. by *Haynes, *Dixon.

***Senate Bill No. 2021** -- Sunset Laws - James K. Polk memorial association, June 30, 2002. Amends TCA Title 4, Chapters 13 and 29. by *Haynes, *Womack.

***Senate Bill No. 2024** -- Sunset Laws - Black health care commission, June 30, 2002. Amends TCA Title 3, Chapter 15 and Title 4, Chapter 29. by *Haynes, *Dixon.

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***Senate Bill No. 2025** -- Sunset Laws - Tennessee victims coalition, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 41. by *Haynes, *Kyle.

***Senate Bill No. 2026** -- Sunset Laws - Tennessee rehabilitation and inmate labor board, June 30, 2002. Amends TCA Title 4, Chapter 29, and Title 41, Chapter 22. by *Haynes, *Kyle.

***Senate Bill No. 2027** -- Sunset Laws - Terminates commemorative woman's suffrage commission, December 31, 1996. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 46. by *Haynes.

***Senate Bill No. 2033** -- Criminal Procedure - Deletes requirement for annual reports, regarding the use of citations in lieu of continued custody of an arrested person, by law enforcement agencies to joint oversight committee on corrections. Amends TCA Section 40-7-118(m). by *Kyle.

Senate Bill No. 2038 -- Highway Signs - "Dick Clark Highway," S.R. 254, Davidson County. by *Rochelle.

***Senate Bill No. 2040** -- Loan Companies - Increases by \$.75 maintenance fees on loans made by industrial loan and thrift companies. Amends TCA Section 45-5-403. by *Rochelle, *Miller J.

Senate Bill No. 2052 -- Highway Signs - "Joseph O. Fuller Memorial Bridge," I-181 over south fork, Holston River. by *Holcomb.

***Senate Bill No. 2056** -- Crime, Victims of - Allows juries determining value of stolen or destroyed property for purposes of restitution order to consider replacement cost of property and condition in which returned to rightful owner. Amends TCA Section 40-20-116. by *McNally, *Crowe.

***Senate Bill No. 2125** -- Driver Licenses - Requires department of safety to indicate on photo identification licenses when driver license revoked or suspended for DUI. Amends TCA Section 55-50-336. by *Womack.

***Senate Bill No. 2128** -- Highway Signs - "Ike M. Shoffner Memorial Bridge," Indian Creek Crossing on S.R. 63, Claiborne County. by *Wallace.

***Senate Bill No. 2296** -- Food and Food Products - Exempts persons selling food at multi regional events from purchase of food permit. Amends TCA. by *O'Brien.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 6, 1996**, reported the following:

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2009; also House Bill(s) No(s). 2023, 1976 and 906 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1969 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1965. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2130, 2131, 2140, 2152, 2151, 2134. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2036. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2040 and 2033, House Joint Resolution(s) No(s). 380, and Senate Joint Resolution(s) No(s). 226; also House Bill(s) No(s). 2034 and 2066 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 7, 1996**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Joint Resolution(s) No(s). 371. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2074 and 1985. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2280, 2395, 2660, 1978, 1979 and 2227; also House Bill(s) No(s). 2304 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2259 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 164 -- Memorials, Personal Occasion - Mr. and Mrs. Sidney Shelton, 55th Wedding Anniversary. by *Williams (Union).

House Joint Resolution No. 421 -- Memorials, Personal Achievement - Rosa Lee Callis Birdwell. by *Stamps.

House Joint Resolution No. 422 -- Memorials, Death - Joe Harris. by *Ridgeway.

House Joint Resolution No. 423 -- Memorials, Death - Dwight Kenneth Turner. by *DeBerry L, *Jones R (Shelby).

Senate Joint Resolution No. 311 -- Memorials, Recognition and Thanks - Matthew Wayne McKinney. by *Springer.

Senate Joint Resolution No. 312 -- Memorials, Public Service - Senator James R. Sasser, U.S. Ambassador to China. by *Henry, *Crutchfield, *O'Brien, *Burks, *Womack, *Rochelle, *Harper, *Haynes, *Springer, *Kyle, *Cohen, *Dixon.

Senate Joint Resolution No. 316 -- Memorials, Professional Achievement - Dr. Patricia Person Ray, "Tennessee Assistant Principal of the Year." . by *Person, *Kyle.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2145 -- Sunset Laws - Compact for education, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 49, Chapter 12. by *Kernell, *Garrett, *Brooks. (*SB2030 by *Haynes)

On motion, House Bill No. 2145 was made to conform with **Senate Bill No. 2030**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2030** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

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Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2124 -- Sunset Laws - Southern regional education compact, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 12. by *Kernell, *Garrett, *Brooks. (*SB1994 by *Haynes)

On motion, House Bill No. 2124 was made to conform with **Senate Bill No. 1994**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1994** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2032 -- Fayetteville - Subject to local approval, expands authority and responsibility of board of mayor and aldermen relative to spending, utility services and passage of ordinances. Amends Chapter 294 of the Acts of 1903, as amended. by *Phillips, *Fowlkes. (SB2076 by *Cooper)

Further consideration of House Bill No. 2032 previously considered on February 5, 1996, and reset to today's Calendar.

Rep. Phillips moved that House Bill No. 2032 be passed on third and final consideration.

Rep. Phillips moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2032 by deleting from subdivision (26) of the amendatory language of Section 1 the language "telephone."

On motion, Amendment No. 1 was adopted.

Rep. Phillips moved that **House Bill No. 2032**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2056 -- Taxes - Makes person required to collect from customers of any taxpayer who willfully fails in responsibility liable for entire amount of tax evaded, plus penalties and interest. Amends TCA Section 67-1-1443. by *Wood and Ford (*SB2073 by *McNally, *Miller J, *Holcomb, *Elsea, *Carter, *Atchley, *Rice, *Koella, *Haun)

Further consideration of House Bill No. 2056 previously considered on February 5, 1996, and reset to today's Calendar.

Rep. Wood moved that House Bill No. 2056 be passed on third and final consideration.

Rep. Wood requested that House Bill No. 2056 be moved to the heel of the Calendar.

House Bill No. 2307 -- Kingsport - Subject to local approval, authorizes hotel/motel tax be increased from 4 to 5 percent of consideration charged. Amends Chapter 46 of the Private Acts of 1981, as amended by Chapter 10 of the Private Acts of 1989. by *Westmoreland, *Ramsey. (SB2572 by *Holcomb)

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Further consideration of House Bill No. 2307 previously considered on February 5, 1996, and reset to today's Calendar.

Rep. Westmoreland moved that **House Bill No. 2307** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	85
Noes	1
Present and not voting.....	7

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Herron -- 1.

Representatives present and not voting were: Bird, Jackson, Lewis, West, Williams (Williamson), Windle, Winningham -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 2307 and have this statement entered in the Journal: Rep(s). Patton.

REGULAR CALENDAR, CONTINUED

House Bill No. 2349 -- Ripley - Subject to local approval, grants voting privileges to freeholders of commercial or residential property within corporate limits; property to be large enough to construct dwelling or business. Amends Chapter 223 of the Acts of 1901; as amended. by *Fitzhugh. (SB2476 by *Leatherwood)

Further consideration of House Bill No. 2349 previously considered on February 5, 1996, and reset to today's Calendar.

Rep. Fitzhugh moved that **House Bill No. 2349** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 64
Noes 21
Present and not voting..... 8

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Burchett, Callicott, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Head, Herron, Huskey, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Turner (Hamilton), Venable, Walley, Westmoreland, White, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Beavers, Bird, Bowers, Brown, Byrd, Chumney, DeBerry, L., Hassell, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Miller, Pruitt, Ritchie, Towns, Turner (Shelby), West, Williams (Union) -- 21.

Representatives present and not voting were: Coffey, Halteman Harwell, Jones, S., Kisber, Langster, Odom, Stamps, Whitson -- 8.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on House Bill No. 2349 and have this statement entered in the Journal: Rep(s). Brooks. and DeBerry, J.

REGULAR CALENDAR, CONTINUED

House Bill No. 2639 -- Giles County - Subject to local approval, levies hotel motel tax. by *Fowlkes. (SB2880 by *Cooper)

Further consideration of House Bill No. 2639 previously considered on February 5, 1996, and reset to today's Calendar.

Rep. Fowlkes moved that **House Bill No. 2639** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 89
Noes 2
Present and not voting..... 5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Huskey, Jackson, Jones, R. (Shelby), Jones,

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S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Herron, Towns -- 2.

Representatives present and not voting were: Bird, Sharp, Stulce, West, Windle -- 5.

A motion to reconsider was tabled.

***Senate Bill No. 1085** -- Food and Food Products - Revises requirement that food service establishment inspection report be available to public by requiring that report be posted. Amends TCA 68-14-317(d). by *Crutchfield. (HB1453 by *Stulce)

Further consideration of Senate Bill No. 1085, previously considered on February 5, 1996, at which time the Senate Bill was substituted for the House Bill and the House was on the motion to adopt Amendment No. 3, and reset to today's Calendar.

Rep. Stulce moved that Senate Bill No. 1085 be passed on third and final consideration.

Rep. Byrd moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1085 by deleting Senate Amendment No. 1 and by adding the following language at the end of Section 1:

Tennessee Code Annotated, Section 68-14-317(d) is further amended by adding the following language at the end of subsection (d):

If any violation noted on such report is required to be corrected within ten (10) days of the issuance of the report and a routine follow-up inspection shows that such violation has been corrected within such period of time, then a final report without notation of such violation shall be furnished to the operator or person in charge of the restaurant and such report shall be posted in lieu of the original report.

On motion, Amendment No. 3 was adopted.

Rep. Stulce moved that **Senate Bill No. 1085**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	85
Noes	4
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hassell, Herron, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: DeBerry, J., Head, Jones, R. (Shelby), Phillips -- 4.

Representatives present and not voting were: Bell, Windle, Winningham -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 1085 and have this statement entered in the Journal: Rep(s). DeBerry, J.

REGULAR CALENDAR, CONTINUED

House Bill No. 2056 -- Taxes - Makes person required to collect from customers of any taxpayer who willfully fails in responsibility liable for entire amount of tax evaded, plus penalties and interest. Amends TCA Section 67-1-1443. by *Wood, *Miller J, *Holcomb, *Elsa, *Carter, *Atchley, *Rice, *Koella, *Haun. (*SB2073 by *McNally, *Miller J, *Holcomb, *Elsa, *Carter, *Atchley, *Rice, *Koella, *Haun)

Further consideration of House Bill No. 2056, previously considered on today's Calendar.

Rep. Wood moved that **House Bill No. 2056** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. West, **House Bill No. 2087** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Bell, **House Joint Resolution No. 1** was recalled from the Committee on Calendar and Rules and withdrawn from the House.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the report of the Special Joint Committee created by House Joint Resolution No. 89 of the 99th General Assembly to study Women's Health Issues has been filed with the Chief Clerk's Office.

The Clerk announced that the report of the Special House Study Committee created by House Resolution No. 15 of the 99th General Assembly to study Inner-City Public Transportation has been filed with the Chief Clerk's Office.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 423: Rep(s). Kernell and Jones R (Shelby) as prime sponsor(s).

House Bill No. 1684: Rep(s). McMillan and Lewis as prime sponsor(s).

WEDNESDAY, FEBRUARY 7, 1996 -- FIFTY-NINTH LEGISLATIVE DAY

House Bill No. 1946: Rep(s). Head, Rhinehart, Kisber, Rinks, Whitson and Cole(Carter) as prime sponsor(s).

House Bill No. 2018: Rep(s). Hassell, Cole(Dyer), Bragg, Patton, Cantrell and McAfee as prime sponsor(s).

House Bill No. 2052: Rep(s). Jackson, Chumney, Langster, Eckles, Robinson, Stamps, Turner(Hamilton), Ritchie and Williams(Williamson) as prime sponsor(s).

House Bill No. 2071: Rep(s). Kisber as prime sponsor(s).

House Bill No. 2085: Rep(s). Head as prime sponsor(s).

House Bill No. 2328: Rep(s). Peach and Boyer as prime sponsor(s).

House Bill No. 2812: Rep(s). Odom and McDaniel as prime sponsor(s).

House Bill No. 2925: Rep(s). West and Halteman Harwell as prime sponsor(s).

House Bill No. 2976: Rep(s). Brown as prime sponsor(s).

House Bill No. 3034: Rep(s). Cole(Carter), Beavers and Gunnels as prime sponsor(s).

House Bill No. 3035: Rep(s). Beavers, Gunnels and Cole(Carter) as prime sponsor(s).

House Bill No. 3039: Rep(s). Beavers as prime sponsor(s).

House Bill No. 3186: Rep(s). Boyer as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
February 7, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1842, with his approval.

HARDY MAYS, Counsel to the Governor.

**REPORT OF CHIEF ENGROSSING CLERK
February 7, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 397, 401 and 402.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 7, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 202, 379, 381, 382, 385, 386, 387, 391, 392, 393, 395, 396, 397, 401, 402, 408 and 409, with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS

February 7, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 405 and 411 and House Resolution(s) No(s). 163.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 7, 1996

The Speaker signed the following: House Joint Resolution(s) No(s). 405 and 411 and House Resolution(s) No(s). 163.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

February 7, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2032, 2056, 2307, 2349 and 2639; also, House Joint Resolution(s) No(s). 421, 422 and 423.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 7, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2032; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

February 7, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 405 and 411; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 7, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 421; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 7, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1961, 1965, 2012, 2065, 2086, 2096, 2141, 2161, 2163, 2193, 2211, 2287, 2294, 2377, 2425, 2559, 2560, 2561, 2588, 2589, 2619, 2620 and 2639; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1961** -- Tennessee Regulatory Authority - Prohibits TRA directors from entering into employment, consulting, or representation arrangement with entity or entity's subcontractors regulated by TRA for one year period after leaving TRA. Amends TCA Section 65-1-202. by *Cohen, *McNally, *Gilbert, *Fowler, *Cooper, *Jordan, *Miller J.

***Senate Bill No. 1965** -- Correctional Programs - Changes name of Tennessee rehabilitation and inmate labor board (TRAIL) to Tennessee rehabilitative initiative in correction board (TRI-COR). Amends TCA Section 41-22-404. by *Kyle.

***Senate Bill No. 2012** -- Fiscal Review Committee - Increases membership of committee from 15 to 18 to equalize number of members from each body; provides transitional language to increase committee for 99th General Assembly. Amends TCA Title 3, Chapter 7. by *Cooper.

Senate Bill No. 2065 -- Education, Dept. of - Changes date commissioner required to publish annual report from October 1 to November 1. by *Leatherwood, *Crowe, *Fowler, *Elsea, *Carter, *Person, *Haun, *Koella, *Koella, *Haun.

Senate Bill No. 2086 -- Transportation, Dept. of - Specifies that notice requirements for bids on department projects deemed met upon furnishing notice to newspaper(s) in area from which department accepting bids, regardless of whether newspaper(s) actually publish or fail to publish required notice. Amends TCA Section 54-5-114. by *Haun, *Elsea, *O'Brien.

Senate Bill No. 2096 -- Charitable Institutions - Exempts registration fees for solicitation of charitable funds for charitable senior citizen center that has contract with state or federal government to provide services; exemption applies if center attaches copy of contract to registration form and secretary of state certifies contract is valid. Amends TCA Title 48, Chapter 101. by *Rochelle.

WEDNESDAY, FEBRUARY 7, 1996 -- FIFTY-NINTH LEGISLATIVE DAY

Senate Bill No. 2141 -- Records, Public - Allows restrictions on access to be placed on archival records donated or sold to public archives for not more than 75 years. Amends TCA Title 10, Chapter 7. by *Womack.

Senate Bill No. 2161 -- Highway Signs - "Jim Alexander Memorial Highway", S.R. 22 between McKenzie and Huntingdon, Carroll County. by *Carter.

Senate Bill No. 2163 -- Highway Signs - "Dale Kelley Highway," S.R. 22 from Huntingdon to Parker's Crossroads. by *Carter.

***Senate Bill No. 2193** -- Highway Signs - "Robert 'Bob' Johnson Memorial Bridge," U.S. 19E, Carter County. by *Crowe.

***Senate Bill No. 2211** -- Drugs - Redefines "anabolic steroids" to exclude use administered in conjunction with estrogen for hormone deficient women for Schedule III controlled substances under Drug Control Act of 1989. Amends TCA Title 39, Chapter 17, Part 4. by *McNally.

***Senate Bill No. 2287** -- Divorce and Annulment - Authorizes waiver of jurisdictional requirements of oath in complaints and waiting period for hearings in divorce proceedings. Amends TCA Title 36, Chapter 4. by *Rochelle, *Crutchfield.

***Senate Bill No. 2294** -- Highway Signs - "Veterans Memorial Parkway," S.R. 111, Overton County. Amends TCA. by *O'Brien.

***Senate Bill No. 2377** -- Medical Occupations - Clarifies procedure to be used by nurse practitioners and physician assistants when prescribing legend drugs. Amends TCA Title 63, Chapter 1, 7 and 19 and Title 68, Chapter 1. by *Hamilton.

Senate Bill No. 2425 -- Highway Signs - "Bobby Workman Memorial Bridge," Brownlow Creek Road, S.R. 166, Giles County. by *Cooper.

Senate Bill No. 2559 -- Highway Signs - "J.L. Bush Memorial Bridge," U.S. 64, Cannon County. by *Burks.

Senate Bill No. 2560 -- Highway Signs - "Paul L. Brandon Memorial Bridge," Carson Fork Bridge, U.S. 64, Cannon County. by *Burks.

Senate Bill No. 2561 -- Highway Signs - "Purple Heart Highway," segment of U.S. 70S, Cannon County. by *Burks.

Senate Bill No. 2588 -- Highway Signs - "Kelly D. Phillips Memorial Bridge," Highway 31, north of Pulaski. by *Cooper.

Senate Bill No. 2589 -- Highway Signs - "Carolyn Foster - Diane Collins Memorial Bridge," Richland Creek, Pulaski Bypass. by *Cooper.

***Senate Bill No. 2619** -- Sunset Laws - Terminates interagency coordination council on the African-American family. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 1. by *Haynes.

***Senate Bill No. 2620** -- Sunset Laws - Deletes references in sunset law to governmental entities which terminated June 30, 1994. Amends TCA Section 4-29-215. by *Haynes.

Senate Bill No. 2639 -- Highway Signs - "Veterans Memorial Parkway," S. R. 111, Putnam County Amends TCA. by *Burks.

REPORT OF CHIEF ENGROSSING CLERK
February 7, 1996

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 405 and 411.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, February 8, 1996.